

REMARKS

Applicants request reconsideration of the above-identified application in light of the amendments and remarks described herein. Claims 1-38 are pending in this application. Claim 17, which is a new claim relative to the prior issued patent claims, has been amended for the second time.

Claims 17-38 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description and enablement requirements. The declaration has been indicated as defective, and Claims 1-38 stand rejected under 35 U.S.C. § 251 as being based upon a defective reissue declaration. Moreover, the application is objected to under 37 C.F.R. § 1.172(a) as lacking written consent of all assignees owning an undivided interest in the patent.

Applicants respectfully submit that all claims are now in condition for allowance. Accordingly, applicants request reconsideration and allowance of all claims.

Presentation of the Claims

The presentation of the claims is believed to be in compliance with the Examiner's requested form. It is the applicants' intention to be fully compliant with the instructions set forth by the Patent Rules. The original patent claims, which were amended once in the reissue application in a previous amendment, are presented with the status identifier "previously presented." The new claims (i.e., the claims not found in the patent and newly presented in this reissue application) are presented with underlining throughout the claim. These claims are also presented with the status identifiers "new" and "twice amended", as requested by the Examiner. A detailed delineation of the claim amendments to the new Claim 17 is provided in the remarks that follow.

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Consent of Assignee

The application has been objected to under 37 C.F.R. § 1.172(a) as lacking the written consent of all assignees owning an undivided interest in the patent. Enclosed herewith is a Consent of Assignee document consenting to the filing of the reissue application.

Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 17-38 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement and the enablement requirement. Specifically, the Office Action states that the original patent disclosure only appears to support the gas conditioning means being positioned in the return channel.

Applicants disagree with the rejection; however, to expedite the prosecution of the application, applicants have amended independent Claim 17 to recite the gas conditioning device positioned in the return channel. Accordingly, applicants request withdrawal of the written description and enablement rejections.

Claim Rejections Under 35 U.S.C. § 251

Claims 1-38 stand rejected as being based upon a defective reissue declaration under 35 U.S.C. § 251. In addition, Claims 17-38 stand rejected under 35 U.S.C. § 251 as being based upon new matter added to the patent for which reissue is sought. Specifically, the Office Action states that the original patent disclosure only appears to support the gas conditioning means being positioned in the return channel. As discussed above, applicants have amended Claim 17 to recite the gas conditioning device being positioned in the return channel. Accordingly, applicants request withdrawal of the claim rejections under 35 U.S.C. § 251.

Declaration

The Office Action states that the reissue declaration filed with this application is defective because the error that is relied upon to support the reissue application is not an error

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upon which a reissue can be based. As discussed above, applicants have amended Claim 17 to recite the gas conditioning device being positioned in the return channel. Accordingly, applicants request withdrawal of the objection to the declaration as defective.

Delineation of Claim Amendments

Applicants note that currently pending Claim 1-38 are generally directed to subject matter previously presented in original patent Claims 1-16. Previously submitted new Claim 17 has been amended to overcome the rejections described above. A marked-up version of previously submitted new Claim 17, specifically delineating the changes made, is provided as follows:

17. (Twice amended) An apparatus for gas treatment of products, comprising a housing having top, bottom and side walls;

a conveyor belt for transporting the products along a path in the housing;

a tunnel having perforated walls and enclosing the conveyor belt along the path;

a gas circulation device communicating with the tunnel via the perforated walls for circulating gas into the tunnel in the form of gas jets impinging upon the products carried by the conveyor belt, and out of the tunnel in a return channel back to the gas circulation device;

a gas conditioning device positioned in the return channel for conditioning the gas circulated by the gas circulation device;

a high-pressure chamber formed by walls within the housing, wherein the walls of the high-pressure chamber are separate from the walls of the housing, the high-pressure chamber in communication with the return channel and the perforated walls of the tunnel, with the gas circulation device maintaining the high-pressure chamber at a higher pressure than the return channel; and

at least one substantially vertical part of the walls forming the high-pressure chamber being removable so as to provide access to the inside of the high-pressure chamber.

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Support for the above-identified claim amendments is identified in a document submitted concurrently herewith pursuant to 37 C.F.R. § 1.173(c) entitled "STATEMENT OF STATUS AND SUPPORT FOR ALL CHANGES TO THE CLAIMS MADE PURSUANT TO AMENDMENT."

CONCLUSION

In view of the foregoing amendments and remarks, applicants respectfully submit that the present reissue application is in condition for allowance. The Examiner is invited to contact the undersigned representative with any remaining questions or concerns.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Emily C. Peyser", with a stylized flourish extending to the right.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: J. Malmberg et al. Attorney Docket No.: FRAB122492
Application No.: 10/798,251 Art Unit: 1761 / Confirmation No: 4198
Filed: March 11, 2004 Examiner: T.F. Simone
Title: APPARATUS FOR GAS TREATMENT OF PRODUCTS

STATEMENT OF STATUS AND SUPPORT FOR ALL CHANGES

TO THE CLAIMS MADE PURSUANT TO AMENDMENT

TO THE COMMISSIONER FOR PATENTS:

Claims 1-38 remain pending in this application. In an amendment submitted concurrently herewith, applicants have for the second time amended Claim 17, which is a new claim relative to the prior issued patent claims. Claims 32 and 37, also new claims relative to the prior issued patent claims, were amended in the previous response filed September 14, 2007. Claim 17 is supported by the specification as indicated below.

Claim	Explanation of Support in the Disclosure of U.S. Patent No. 6,354,196
1	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
2	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
3	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
4	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
5	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
6	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
7	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
8	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
9	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.

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Claim	Explanation of Support in the Disclosure of U.S. Patent No. 6,354,196
10	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
11	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
12	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
13	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
14	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
15	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
16	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
17	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
18	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
19	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
20	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
21	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
22	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
23	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
24	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
25	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
26	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
27	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
28	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
29	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
30	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
31	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
32	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.

Claim	Explanation of Support in the Disclosure of U.S. Patent No. 6,354,196
33	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
34	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
35	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
36	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
37	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
38	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.

The Examiner is invited to contact the undersigned with any remaining questions or concerns.

Respectfully submitted,

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